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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF CHAPARRAL CITY WATER
COMPANY, INC., AN ARIZONA
CORPORATION, FOR A
DETERMINATION OF THE FAIR VALUE
OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN
ITS RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

DOCKET NO. W-02113A-07-0551

**CHAPARRAL CITY WATER
COMPANY'S RESPONSE TO
PACIFIC LIFE INSURANCE
COMPANY'S MOTION FOR LEAVE
TO PRESENT TESTIMONY**

Chaparral City Water Company, Inc. ("Company") hereby responds to Pacific Life Insurance Company's ("Pacific Life") Motion for Leave to Present Testimony of Phil Green. The Company maintains that leave to file this testimony should be denied. This request comes substantially beyond the deadlines set for pre-filed testimony by intervenors, after the pre-hearing conference at which the parties were directed to appear, and, in fact, following the completion of the initial phase of the hearing itself, which began on December 8.

The only reason given for failing to adhere to the deadlines and requirements imposed on the parties is that Pacific Life and its counsel were ignorant of these requirements, and believed that public comment would be accepted as sworn testimony. This is not a legitimate basis for missing the deadlines and ignoring the requirements set forth in the Procedural Orders governing this case. Indeed, if Pacific Life had simply

1 attended the procedural conference on December 5, as directed by the Administrative Law
2 Judge, there would be no confusion.

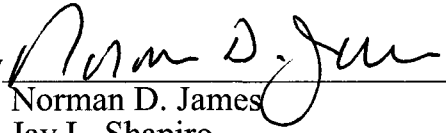
3 In contrast, the prejudice to the Company is clear. There are already five witnesses
4 scheduled to testify on January 8 and 9, 2009 (Fox, Abinah, Rigsby, Parcell and
5 Bourassa), plus a sixth possible witness (Chavez). Now Pacific Life presents late-filed
6 testimony that potentially opens the door to four additional witnesses: Mr. Green and a
7 witness from the remaining three parties, whose rate design witnesses have completed
8 their testimony. This case was filed in September 2007, and already has taken too long.
9 Any further delay simply compounds Chaparral City's injury.

10 Finally, the issues raised by Mr. Green are relatively straightforward. Boiled
11 down, he claims that the rate increase is too high, and maintains that rates for residential
12 and commercial service should be increased to a greater extent than has been proposed by
13 the parties so that the rate for turf and landscape irrigation can be kept low. No cost of
14 service study, or other study or analysis, is presented. Consequently, Mr. Green's
15 testimony adds very little to the record, and is more appropriate for public comment.

16 In short, there is no legitimate basis for Pacific Life's request to file testimony after
17 the initial phase of the hearing has been completed. Having chosen to intervene and
18 participate as a party, Pacific Life has the same responsibilities as the other parties to this
19 case, and cannot ignore deadlines and fail to attend conferences and hearings.
20 Consequently, Pacific Life's motion should be denied. The Company suggests instead
21 that the proffered testimony be accepted as public comment.

1 RESPECTFULLY SUBMITTED this 16th day of December, 2008.

2 FENNEMORE CRAIG, P.C.

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10 **ORIGINAL** and thirteen (13) copies
11 of the foregoing were filed
this 16th day of December, 2008, with:

12 Docket Control
13 Arizona Corporation Commission
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14 Phoenix, AZ 85007

15 **Copy of the foregoing was hand delivered**
this 16th day of December, 2008, to:

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